

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00466

Pamela Sue Hannan,

Movant,

v.

United States of America,

Respondent.

ORDER


Movant Pamela Sue Hannan, a former inmate of the Pekin Federal Correctional Institution in Pekin, Illinois proceeding pro se, filed this motion to vacate or correct her federal sentence under 28 U.S.C. § 2255. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

Mail sent to movant was returned as undeliverable because movant was no longer in Pekin and did not advise the court of her current mailing address. Consequently, the magistrate judge entered a report recommending that the motion to vacate be dismissed without prejudice for failure to prosecute. Citing *United States v. Beville*, 2021 WL 4995478 (5th Cir. 2021), the magistrate judge also indicated that a post-judgment motion from movant filed within a reasonable time would likely receive favorable consideration for reopening of the case, in order to protect movant from the operation of the statute of limitations. A copy of the magistrate judge's report was sent to movant at her last known address, but was returned as undeliverable.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. See *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The motion to vacate

or correct sentence is dismissed without prejudice for failure to prosecute.

So ordered by the court on January 4, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge